

FILED

JUN 7 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HOUMAN BACKZADEH
MOGHADDAM,

Defendant - Appellant.

No. 02-50580

D.C. No. CR-00-00162-AHS(1)

ORDER and MEMORANDUM *

Appeal from the United States District Court
for the Central District of California
Alicemarie H. Stotler, District Judge, Presiding

Submitted April 5, 2006**

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

The Memorandum Disposition filed on April 10, 2006, is WITHDRAWN
and replaced with the following Memorandum Disposition:

Houman Backzadeh Moghaddam appeals from his guilty-plea conviction
and 38-month sentence imposed for wire and mail fraud, in violation of 18 U.S.C.

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

§§ 1341, 1343, 2, and 2326.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Moghaddam has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Moghaddam has filed a pro se supplemental brief. The government has filed an answering brief. Moghaddam has filed a pro se reply brief.

Our independent review of the record, pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), discloses no grounds for relief. We affirm the conviction and remand for resentencing under *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

Counsel's motion to withdraw is **DENIED**.

All other pending motions are denied as moot.

CONVICTION AFFIRMED; SENTENCE REMANDED.